

AMENDED IN ASSEMBLY JUNE 1, 1999  
AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 748**

**Introduced by Assembly Member Keeley**

February 24, 1999

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An act to add Section 4592.5 to the Public Resources Code, relating to forest practices.

### LEGISLATIVE COUNSEL'S DIGEST

AB 748, as amended, Keeley. Timber harvesting plans: fees.

The existing Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection in accordance with specified requirements.

~~This bill, commencing July 1, 2000, would prohibit the department from accepting for review or approving a timber harvesting plan until the person submitting the plan has paid a fee to the department that is sufficient to compensate the department, the appropriate California regional water quality control board, the Department of Fish and Game, and the Division of Mines and Geology for any costs incurred by those agencies in connection with the administration and enforcement of laws governing timber harvesting plans, as specified. The bill would require the department, on or before~~

~~June 30, 2000, to adopt, by emergency regulation, a schedule of timber harvesting plan filing fees, as prescribed. would require the State Board of Forestry and Fire Protection, on or before August 1, 2000, to adopt regulations establishing a reasonable timber harvesting plan filing fee, as prescribed, not to exceed \$1,000 per timber harvesting plan filed.~~

~~The bill would require the fee to be deposited into the Timber Harvesting Plan Review Fund, which would be created by the bill. The bill would provide for the money in the fund to be allocated annually, upon appropriation, to the department and the responsible agencies participating in timber harvesting plan review, as provided.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4592.5 is added to the Public  
2 Resources Code, to read:

3 ~~4592.5. (a) Commencing July 1, 2000, the~~  
4 ~~department shall not accept for review or approve a~~  
5 ~~timber harvesting plan until the person submitting the~~  
6 ~~plan has paid a fee to the department that is sufficient to~~  
7 ~~compensate the department, the appropriate California~~  
8 ~~regional water quality control board, the Department of~~  
9 ~~Fish and Game, and the Division of Mines and Geology~~  
10 ~~for any costs incurred by those agencies in connection~~  
11 ~~with the administration and enforcement of this article,~~  
12 ~~including, but not limited to, monitoring compliance and~~  
13 ~~reviewing and approving timber harvesting plans.~~

14 ~~(b) On or before June 30, 2000, the department, by~~  
15 ~~emergency regulation, shall adopt a schedule of timber~~  
16 ~~harvesting plan filing fees that are adequate to meet the~~  
17 ~~requirements of subdivision (a). The department shall~~  
18 ~~base the amount of those fees on the total value of timber~~  
19 ~~proposed to be removed under a timber harvesting plan.~~  
20 ~~The department shall also consider potential economic~~  
21 ~~impacts to small landowners in developing the schedule~~  
22 ~~of fees.~~

23 ~~(c) The department~~

1 4592.5. (a) On or before August 1, 2000, the board  
 2 shall adopt regulations establishing a reasonable timber  
 3 harvesting plan filing fee. In developing the filing fee  
 4 schedule, the board may consider either a flat fee or a  
 5 variable fee schedule that takes into account the value of  
 6 the timber proposed to be removed under a timber  
 7 harvesting plan and the potential economic impact to  
 8 small landowners. The department shall collect this fee  
 9 for each timber harvesting plan filed. The fee shall not  
 10 exceed one thousand dollars (\$1,000) per timber  
 11 harvesting plan filed.

12 (b) The board shall adopt the emergency regulations  
 13 that establish the fee schedule in accordance with  
 14 Chapter 3.5 (commencing with Section 11340) of Part 1  
 15 of Division 3 of Title 2 of the Government Code. For  
 16 purposes of that chapter, including Section 11349.6 of the  
 17 Government Code, the adoption of the regulations is an  
 18 emergency and necessary for the immediate  
 19 preservation of the public peace, health, safety, and  
 20 general welfare. Notwithstanding Chapter 3.5  
 21 (commencing with Section 11340) of Part 1 of Division 3  
 22 of Title 2 of the Government Code, any emergency  
 23 regulation adopted by the ~~department~~ board pursuant to  
 24 this section shall be filed with, but not be repealed by, the  
 25 Office of Administrative Law and shall remain in effect  
 26 until revised or repealed by the ~~department~~ board.

27 (c) The Timber Harvesting Plan Review Fund is  
 28 hereby established in the State Treasury. The fees  
 29 collected pursuant to subdivision (a) shall be deposited in  
 30 the fund. Money in the fund shall be allocated annually,  
 31 upon appropriation, to the department and the  
 32 responsible agencies participating in timber harvesting  
 33 plan review, as determined by the department, to be used  
 34 for staffing and other support required for  
 35 implementation of this chapter.